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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,901	04/02/2001	Gregory Burns	MS1-095USC4	2420

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EXAMINER
RYMAN, DANIEL J

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/824,901	BURNS ET AL.	
	Examiner	Art Unit	
	Daniel J. Ryman	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 October 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *51-63* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *51-63* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 51-63 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 51-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Payton (USPN 5,790,935) in view of Arango (USPN 5,732,078).

4. Regarding claim 51, Payton discloses a content provider comprising a storage system (34); a server (processor 46) connected to the storage system (34) to serve the content to a local service provider (28) which provides the content to multiple clients (32, 65); a network port (interface between server 24 and network 26) adapted for connection to a first network (network 30); and a transmitter (transmitter of server 24 for transmission to network 26) responsive to the server to transmit information over a second network (network 26) to the local provider (28). Payton possibly does not disclose transmitting the content over a second network to the local service provider where the second network provides additional bandwidth so that the content is served to the local service provider in an event that the content is not served via the first network within a designated time period. Arango teaches a system in which the content is transmitted over a second network (network 260) to the local service provider (access point 220) where the

second network provides additional bandwidth so that the content can be transmitted to the local service provider in an event that the content is not served via the first network (network 230) within a designated time period (col. 7 lines 17-31 and col. 8 lines 59-61). Arango does this in order to ensure that time-sensitive data is delivered in an appropriate time interval (col. 8 lines 59-61). It would have been obvious to one of ordinary skill in the art to transmit the content over a second network which provides additional bandwidth in order to ensure that time-sensitive data is delivered in an appropriate time interval.

5. Regarding claim 52, referring to claim 51, Payton discloses a network port (interface between server 24 and network 26) which comprises a connector compatible with a wire-based communication network and a wireless transmitter (see the wireless transmitter of server 24) to transmit content over a wireless network (network 26).

6. Regarding claim 53, referring to claim 51, Payton discloses the server is further configured to serve the content to the local service provider (28) in response to requests from multiple clients (32, 65).

7. Regarding claim 54, referring to claim 51, Payton discloses the server is further configured to serve the content to at least one other local service provider (another provider 28) which provides content to multiple clients (there are more than one provider 28 in Payton's system).

8. Regarding claim 55, referring to claim 51, Payton discloses the server is further configured to serve the content to at least one other local service provider (another provider 28) which provides content to multiple clients (there are more than one provider 28 in Payton's system). Furthermore, the transmitter is also further configured to transmit information over the

second network to the at least one other local service provider (the transmitter in Payton's system is also configured to transmit content over wireless network 26 to all local providers 28). Payton possibly does not disclose transmitting the content over the second network to the at least one other local service provider. Arango teaches a system in which the content is transmitted over a second network (network 260) to a local service provider (access point 220) where the second network provides additional bandwidth so that the transmitter can serve the content to a local service provider in an event that the content is not served via the first network (network 230) within a designated time period (col. 7 lines 17-31 and col. 8 lines 59-61). Arango does this in order to ensure that time-sensitive data is delivered in an appropriate time interval (col. 8 lines 59-61). It would have been obvious to one of ordinary skill in the art to transmit the content over a second network in order to ensure that time-sensitive data is delivered in an appropriate time interval.

9. Regarding claim 56, referring to claim 51, Payton discloses that the first network is a high-speed, high-bandwidth network (26, col. 4 lines 45-47) and the second network is a broadcast satellite network (50, col. 5 lines 62-67).

10. Claims 57-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Payton (USPN 5,790,935) in view of Arango (USPN 5,732,078) in further view of Liebowitz et al (USPN 5,757,784).

11. Regarding claim 57, Payton discloses a content provider comprising a storage system (34); a server (processor 46) connected to the storage system (34) to serve the content to a local service provider (28) which provides the content to multiple clients (32, 65); a high-speed, high-bandwidth network (26, col. 4 lines 45-47) to communicate the content from the server to the

local service provider; and a broadcast satellite network (50, col. 5 lines 62-67) to communicate information to the local provider (28). Payton possibly does not disclose transmitting the content over the broadcast satellite network to the local service provider. Arango teaches a system in which the content is transmitted over a second, guaranteed bandwidth, network (network 260) to the local service provider (access point 220) where this second network provides additional bandwidth so that the content can be transmitted to the local service provider (col. 7 lines 17-31 and col. 8 lines 59-61). Arango does this in order to ensure that time-sensitive data is delivered in an appropriate time interval (col. 8 lines 59-61). Even though Arango does not specify that the second system is a satellite system, satellite systems are well known guaranteed bandwidth systems, as is evidenced by Liebowitz (col. 1 lines 27-37 and col. 15 line 45-col. 16 line 10). It would have been obvious to one of ordinary skill in the art to transmit the content over the broadcast satellite network in order to ensure that time-sensitive data is delivered in an appropriate time interval.

12. Regarding claim 58, referring to claim 57, Payton discloses a high-speed, high-bandwidth network (26, col. 4 lines 45-47) to communicate the content from the server to the local service provider; and a broadcast satellite network (50, col. 5 lines 62-67) to communicate information to the local provider (28). Payton possibly does not disclose having the satellite network include additional bandwidth to communicate the content from the server to the local service provider. Arango teaches a system in which the content is transmitted over a second network (network 260) to the local service provider (access point 220) where this second network provides additional bandwidth so the content can be transmitted to the local service provider (col. 7 lines 17-31 and col. 8 lines 59-61). Arango does this in order to ensure that time-sensitive data is

delivered in an appropriate time interval (col. 8 lines 59-61). Even though Arango does not specify that the second system is a satellite system, satellite systems are well known guaranteed bandwidth systems, as is evidenced by Liebowitz (col. 1 lines 27-37 and col. 15 line 45-col. 16 line 10). It would have been obvious to one of ordinary skill in the art to transmit the content over the broadcast satellite network in order to ensure that time-sensitive data is delivered in an appropriate time interval.

13. Regarding claim 59, referring to claim 57, Payton discloses a high-speed, high-bandwidth network (26, col. 4 lines 45-47) to communicate the content from the server to the local service provider; and a broadcast satellite network (50, col. 5 lines 62-67) to communicate information to the local provider (28). Payton possibly does not disclose having the satellite network include additional bandwidth to communicate the content from the server to the local service provider in an event that the high-speed, high bandwidth network does not communicate the portion of the content within a designated time period. Arango teaches a system in which the content is transmitted over a second network (network 260) to the local service provider (access point 220) where this second network provides additional bandwidth so the content can be transmitted to the local service provider in an event that the content is not served via the first network (network 230) within a designated time period (col. 7 lines 17-31 and col. 8 lines 59-61). Arango does this in order to ensure that time-sensitive data is delivered in an appropriate time interval (col. 8 lines 59-61). Even though Arango does not specify that the second system is a satellite system, satellite systems are well known guaranteed bandwidth systems, as is evidenced by Liebowitz (col. 1 lines 27-37 and col. 15 line 45-col. 16 line 10). It would have been obvious to one of

ordinary skill in the art to transmit the content over a broadcast satellite network in order to ensure that time-sensitive data is delivered in an appropriate time interval.

14. Regarding claim 60, Payton discloses a high-speed, high-bandwidth network (26, col. 4 lines 45-47) to communicate the content from the server to the local service provider; and a broadcast satellite network (50, col. 5 lines 62-67) to communicate information to the local provider (28). Payton possibly does not disclose having the server configured to serve a first portion of the content to a local service provider via the high-speed, high-bandwidth network, and serve a second portion of the content to the local service provider via the broadcast satellite network. Arango teaches a system in which the content is transmitted over a second network (network 260) to the local service provider (access point 220) where this second network provides additional bandwidth so the content can be transmitted to the local service provider in an event that the content is not served via the first network (network 230) within a designated time period (col. 7 lines 17-31 and col. 8 lines 59-61). Arango does this in order to ensure that time-sensitive data is delivered in an appropriate time interval (col. 8 lines 59-61). Even though Arango does not specify that the second system is a satellite system, satellite systems are well known guaranteed bandwidth systems, as is evidenced by Liebowitz (col. 1 lines 27-37 and col. 15 line 45-col. 16 line 10). It would have been obvious to one of ordinary skill in the art to have the server configured to serve a first portion of the content to a local service provider via the high-speed, high-bandwidth network, and serve a second portion of the content to the local service provider via the broadcast satellite network in order to ensure that time-sensitive data is delivered in an appropriate time interval.

15. Regarding claim 61, referring to claim 57, Payton discloses the server is further configured to serve the content to the local service provider (28) in response to requests from multiple clients (32, 65).

16. Regarding claim 62, referring to claim 57, Payton discloses the server is further configured to serve the content to at least one other local service provider (another provider 28) which provides content to multiple clients (there are more than one provider 28 in Payton's system).

17. Regarding claim 63, referring to claim 57, Payton discloses the server is further configured to serve the content to at least one other local service provider (another provider 28) which provides content to multiple clients (there are more than one provider 28 in Payton's system). Furthermore, the transmitter is also further configured to transmit information over the second network to the at least one other local service provider (the transmitter in Payton's system is also configured to transmit content over wireless network 26 to all local providers 28). Payton possibly does not disclose transmitting the content over the second network to the at least one other local service provider. Arango teaches a system in which the content is transmitted over a second network (network 260) to a local service provider (access point 220) where the second network provides additional bandwidth so that the transmitter can serve the content to a local service provider in an event that the content is not served via the first network (network 230) within a designated time period (col. 7 lines 17-31 and col. 8 lines 59-61). Arango does this in order to ensure that time-sensitive data is delivered in an appropriate time interval (col. 8 lines 59-61). Even though Arango does not specify that the second system is a satellite system, satellite systems are well known guaranteed bandwidth systems, as is evidenced by Liebowitz

(col. 1 lines 27-37 and col. 15 line 45-col. 16 line 10). It would have been obvious to one of ordinary skill in the art to transmit the content over a second network in order to ensure that time-sensitive data is delivered in an appropriate time interval.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (703)305-6970. The examiner can normally be reached on Mon.-Fri. 7:00-4:00 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703)308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-6743 for regular communications and (703)308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Daniel J. Ryman
Examiner
Art Unit 2665

DJR

Daniel J. Ryman
November 15, 2002

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SUPERVISORY PATENT EXAMINER
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